

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Implementing Kari's Law and Section 506 of RAY BAUM'S Act)	PS Docket No. 18-261
)	
Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems)	PS Docket No. 17-239
)	

**COMMENTS OF
THE AMERICAN HOTEL & LODGING ASSOCIATION**

The American Hotel & Lodging Association (“AHLA”) submits these comments in response to the Commission’s above-captioned *Notice of Proposed Rulemaking* implementing Kari’s Law and certain provisions of RAY BAUM’S Act.¹ AHLA is the sole national association representing all sectors and stakeholders in the U.S. lodging industry, including owners, real estate investment trusts, brands, franchisees, management companies, independent properties, bed-and-breakfasts, suppliers, and state hotel associations.²

I. INTRODUCTION AND SUMMARY

The tragic murder of Kari Rene Hunt Dunn was a galvanizing event for many businesses and industries to improve access to 911 through multi-line telephone systems (“MLTS”). For example, since 2014, hoteliers have prioritized upgrading and even replacing entire systems to

¹ *Implementing Kari’s Law and Section 506 of RAY BAUM’S Act; Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems*, PS Docket No. 18-261, PS Docket No. 17-239, FCC 18-132, Notice of Proposed Rulemaking (2018) (“*NPRM*”).

² The hotel industry has more than 54,000 properties nationwide, which translates into eight million American jobs, more than one trillion in U.S. sales (one of the 10 largest business sectors in America), and service to five million guests each day. More than 60 percent of hotels are small businesses.

ensure guests can communicate during emergencies. In particular, AHLA has been working with its members toward solutions to allow 911 direct dialing from all guestrooms.³ AHLA applauds Chairman Pai's consistent leadership on this important issue and is proud to have been recognized by him as "a leader in changing industry practice" to ensure systems are in place for direct dial 911 from all hotel guestrooms.⁴

AHLA also strongly supported adoption of Kari's Law⁵ to require any MLTS to have a default configuration that allows for 911 direct dialing without dialing additional digits. This law provides a common sense solution to an important problem without placing overly burdensome legal responsibilities on small businesses and property owners; for example, enactment of Kari's Law will help hoteliers achieve direct dial 911 by ensuring that manufacturers provide phones configured for direct dialing.

Ensuring that all calls to 911 are quickly routed to the appropriate public safety answering point ("PSAP"), with an on-site notification, is critical for individuals in buildings who are in need of emergency assistance. With respect to hotels, AHLA has led a campaign to educate its members on this issue and has encouraged all lodging properties to review their telephone systems to ensure that when 911 is directly dialed from a guestroom phone, without using an access code, the guest is connected to emergency services and a hotel employee is notified. As a result of such reviews, some members determined that they needed to take action

³ Comments of the American Hotel & Lodging Association, Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems, PS Docket No. 17-239 (filed Nov. 15, 2017) ("AHLA NOI Comments").

⁴ Testimony of FCC Commissioner Ajit Pai Before the U.S. Senate Committee on Commerce, Science, and Transportation, "Oversight of the Federal Communications Commission," Mar. 2, 2016 at 1.

⁵ Kari's Law Act of 2017, Pub. L. No. 115-127, 132 Stat. 326 (2018) (codified at 47 U.S.C. § 623) ("Kari's Law").

in order to effectuate 911 direct dialing. The nine largest AHLA member brands have achieved virtually complete implementation of direct dial 911 at all of their owned and managed properties.

Consistent with the industry's actions in this area and its support of Kari's Law, AHLA supports the Commission's proposed codification of the 911 direct dialing requirement. AHLA also supports a rule to require an on-site notification, provided that hotels have sufficient flexibility to implement the notification requirement in a manner consistent with the technical capability of the MLTS installed and the hotel's operational preferences. The FCC should not dictate the specific form, destination, or content of the notification in an overly prescriptive manner. Further, any requirement to provide a callback number or location information via an on-site notification must recognize the inherent challenges associated with providing such information for some systems.

Congress recognized the importance of ensuring effective access to 911 from MLTS. It also appreciated the potential burden for enterprises, particularly small businesses, to implement on-site notification and to provide location information with all calls. Consistent with Congressional intent, it is key that as the Commission implements Kari's Law, along with RAY BAUM'S Act,⁶ the agency continue to refrain from imposing unnecessarily burdensome requirements on businesses that have MLTS. For example, in the context of hotels, because providing a callback number to the specific phone that dialed 911 may not always be possible, any callback requirement should require no more than a number that connects to a front desk at a

⁶ Section 506 of the Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018 ("RAY BAUM'S Act"), Pub. L. No. 115-141, 132 Stat. 348, 1095 (codified at 47 U.S.C. § 615 note). Consistent with this section, the *NPRM* considers the feasibility of requiring dispatchable location for 911 calls from MLTS and other technological platforms that currently complete calls to 911.

hotel unless the MLTS has been configured to provide a more direct callback number. Further, because it will not be technologically possible in all cases, the Commission should not require dispatchable location information to include the guestroom number. At most, the Commission should consider establishing a baseline requirement that a street address of the building be included with every 911 call while encouraging enterprises to provide more granular location information where technically feasible and commercially reasonable.

In addition, the Commission should expressly recognize that many businesses will not be “engaged in the business of installing, managing, or operating” MLTS as contemplated under the statute, and thus should find that a hotel typically is not an “installer”, “manager”, or “operator” of MLTS under the proposed rules, absent compelling evidence to the contrary. Kari’s Law was not intended to extend liability to enterprises that purchase MLTS services but do not exercise control over the configuration or provision of such services.

Finally, to ensure sufficient time to comply with any applicable requirements established in this proceeding, and to avoid confusion and discrepancies between these rules and the statutory requirements of Kari’s Law, AHLA urges the Commission to set a uniform compliance date of February 16, 2020, rather than establishing an earlier date for rules implementing RAY BAUM’S Act, and to establish a process for waiver or deferred compliance that recognizes the time-consuming nature of contracting for and installation of MLTS. Consistent with Kari’s Law, no rules adopted in this proceeding should apply to any MLTS installed prior to February 16, 2020, and to the extent that the Commission imposes detailed granular dispatchable location requirements, it should afford additional time to comply beyond 2020 and ensure that the necessary technology is widely available before such requirements take effect.

II. THE COMMISSION SHOULD TAKE INTO ACCOUNT THE COMPLEXITY AND TECHNICAL DIFFICULTIES FOR BUSINESSES TO COMPLY WITH CALLBACK NUMBER AND GRANULAR DISPATCHABLE LOCATION REQUIREMENTS

In its implementation of Kari’s Law and RAY BAUM’S Act, the Commission should consider challenges faced by businesses—in particular, the complex, segmented hotel industry—and to refrain from adopting requirements that are unnecessarily complicated, especially for smaller businesses. The Commission should not assume that all or even most businesses possess the financial and personnel resources to expeditiously implement major technology and infrastructure upgrades. Contrary to the *NPRM*’s reference to hotels as “large companies,”⁷ many hotels—more than 60 percent—are small businesses, and concentration in the industry overall is relatively low. The size of a hotel building does not necessarily correlate with the size of the business. While not obvious to most guests, a hotel may actually involve three different companies: the owner; a brand that has executed a franchise agreement; and a management company. Thus, for every regulatory requirement imposed on hotels, brands must ensure compliance for the buildings they own or manage and also work within the constraints of a franchise agreement to encourage properties not owned and managed by the brands to establish the same level of consumer protections. Brands, owners, and management companies take customer expectations very seriously, particularly on issues such as safety;⁸ however, effectuating industry-wide change takes time and significant effort. For example, on direct dial 911—predating Kari’s Law—the nine largest member brands (representing just under 40 percent of U.S. properties) undertook the rigorous process of updating their brand standards to require

⁷ *NPRM* at ¶ 27 (“Large enterprises such as hotels”).

⁸ See, e.g., Sarah Hoyer, *How a Failed 911 Call Changed Texas Law*, Al Jazeera America (2015), <http://america.aljazeera.com/watch/shows/america-tonight/america-tonight-blog/2014/1/14/after-hotel-murderkarislawpushesforeasier911access.html>.

direct dial 911 at franchised properties, or took other extensive measures in pursuit of full implementation of direct dial 911 at franchised properties. AHLA member brands then encouraged their franchisees to follow the same steps as the brands and ensure that, when a guest dials 911 from a guestroom phone, without using an access code, he or she is connected to emergency services and/or a hotel employee.

Now, under Kari's Law, any MLTS manufactured, imported for use, installed, managed, or operated in the United States after February 16, 2020 must be configured to allow direct 911 dialing without any additional digit, code, prefix, or post-fix, including any trunk-access code such as the digit '9,' regardless of whether the user is required to dial such a digit, code, prefix, or post-fix for other calls.⁹ AHLA applauds this requirement. Since hotels have been working toward direct 911 dialing for several years, the primary effect of Kari's Law for hotels will be to close remaining gaps and require MLTS manufacturers to make compliant systems universally available.

A. *AN ON-SITE NOTIFICATION REQUIREMENT MUST BE TECHNOLOGICALLY FEASIBLE AND ENSURE SUFFICIENT FLEXIBILITY FOR HOTELS.*

Kari's Law requires MLTS to support notification when an MLTS user makes a 911 call but does not specify what information must be provided in the notification. As a general matter, this should enable hotel staff to help protect guests' safety and expedite emergency response. The *NPRM* thus proposes minimum notification requirements to assist buildings (such as hotels) and first responders in coordinating and expediting on-site response to the emergency. AHLA supports requiring notification to include: (1) the fact that a 911 call has been made, (2) a valid callback number, and (3) the information about the caller's location that the MLTS conveys to

⁹ 47 U.S.C. § 623(a).

the PSAP with the call to 911, provided that hotels are provided sufficient flexibility in meeting the rule.¹⁰

For example, it may not always be possible for a callback number to be provided that will enable a return call to the specific phone that initiated the 911 call. To do so requires the purchase of a significant number of direct inward dialing (“DID”) numbers. Without a DID the callback number will be an internal extension that enables a callback to a central location (*i.e.* the front desk) but not to the phone from which 911 was dialed. While this will generally be the case when delivering the call to a PSAP (which the Commission’s rules should reflect) it may also be a challenge for an internal notification. Further, determining the location of a 911 call can be technically challenging. Thus, the location information required in a notification should be no greater than that required with the delivery of a 911 call. The Commission asks, “[i]nstead of specifying the content of the notification, should we allow enterprises the flexibility to customize notification as they see fit?”¹¹ For the reasons discussed above, the answer is affirmatively yes.

Finally, the Commission should not impose any requirements concerning the specific form in which a notification is delivered or where the recipient of such notification is precisely located. How an individual hotel determines to send a notification (via text message, a separate call or email), to whom the notification is sent, and where the recipient is at the time of receipt should be at the discretion of the hotel. For example, a hotel with a single on-duty employee overnight should not be required to send notification to a desk that may not be manned; a text

¹⁰ AHLA notes, however, that the statute merely requires direct 911 dialing and a notification of the fact that 911 has been called, and no more, and the legislative history states that the “legislation seeks to balance the need for on-site notification with the goal of not placing an undue burden on MLTS owners or operators.” 163 Cong. Rec. H589 (daily ed. Jan. 23, 2017).

¹¹ *NPRM* at ¶ 22.

message to the employee’s mobile device might be more appropriate. The Commission is correct in stating that “[w]e do not believe Congress intended to impose staffing or monitoring requirements that would impose unreasonable costs or limit the flexibility of MLTS installers, managers, and operators to develop efficient and cost-effective notification solutions that are appropriate for the technology they use, such as visual alerts on monitors, audible alarms, text messages, and/or email.”¹² The Commission should bear in mind that not every hotel is a “large enterprise” with multiple on-site personnel at all hours and should afford flexibility to hotels consistent with their operational reality.¹³

B. THE COMMISSION SHOULD NOT ADOPT GRANULAR DISPATCHABLE LOCATION REQUIREMENTS AT THIS TIME.

AHLA supports the Commission’s objective to provide location information with MLTS 911 calls. However, the Commission’s proposal to implement the “dispatchable location” provisions of RAY BAUM’S Act contemplates “more granular” location information, such as hotel room numbers, which would be technologically infeasible in some cases. RAY BAUM’S Act defines “dispatchable location” as “the street address of the calling party, and additional information such as room number, floor number, or similar information necessary to adequately identify the location of the calling party.”¹⁴ The Commission recognized in the *Indoor Location*

¹² *Id.* at ¶ 26.

¹³ AHLA notes that the Congressional Record as cited in the *NPRM* discusses “large *buildings* like hotels” (emphasis added), not large enterprises. *NPRM* at n.54.

¹⁴ RAY BAUM’S Act, § 506(c)(2). The *NPRM* notes that the statutory definition of dispatchable location is nearly identical to the dispatchable location definition in the Commission’s mobile E911 location accuracy rules, *i.e.*, “a location delivered to the PSAP by the CMRS provider with a 911 call that consists of the street address of the calling party, plus additional information such as suite, apartment or similar information necessary to adequately identify the location of the calling party.” 47 CFR § 20.18(i)(1)(i).

Fourth Report and Order, the need to “balance between specificity and flexibility,”¹⁵ and should do so again here. As the *NPRM* notes, while Congress recognized the importance of providing accurate location information in connection with MLTS 911 calls, its intent was that “the Commission focus on ensuring highly precise location information *whenever feasible*.”¹⁶

“Dispatchable location” is not a simple issue when it comes to individual guestrooms. This is a challenging requirement to meet, and most MLTS and PSAPs do not have the necessary technology to accommodate this. As technology advances, phones are not always limited to a fixed location in a room and can be used outside of the room as well. With increased mobility, the challenge of locating a caller increases. As hotels move to cloud-based systems there may be additional challenges, particularly for large brands whose MLTS may be a distributed system that spans multiple locations.

The *NPRM* asks whether providing dispatchable location for 911 calls from MLTS and other communications services would improve emergency response and the health and safety of the public, and whether this benefit would exceed the cost of providing it. AHLA recognizes that there would be benefits to providing dispatchable location, but those benefits are a separate question from technical feasibility and cost. Moreover, there are other effective alternatives. The Commission could require MLTS to convey room number or floor number *when it is available, technically feasible, and adequately supported* but should not mandate the provision of room number or floor number in every case. If the Commission determines that dispatchable location should include hotel guestrooms, where applicable, it should offer hotels and other similar buildings the option to meet this requirement by having someone on-site to direct

¹⁵ *Wireless E911 Location Accuracy Requirements*, Fourth Report and Order, 30 FCC Rcd 1259, 1274 ¶ 44 (2015) (“*Indoor Location Fourth Report and Order*”).

¹⁶ *NPRM* at ¶ 53 (emphasis added).

emergency responders to the exact location. At most, the Commission should require that where it can be supported by the MLTS system and the PSAP, an enterprise must provide a street address with the call. That coupled with an on-site notification should be sufficient to provide an effective emergency response. And those systems that are able to generate a more granular location could be required to provide that information with the call. Finally, the Commission should take into account the ubiquity of mobile phones, including the fact that hotel guests increasingly are relying on their own mobile phones to make in-room calls.¹⁷

III. HOTELS TYPICALLY DO NOT INSTALL, OPERATE, OR MANAGE A MLTS

While the basic premise of Kari's Law is simple, the technical requirements are not. The Commission aptly recognizes that "Kari's Law was [not] intended to extend liability to enterprise owners that purchase MLTS services but do not exercise control over the manner in which such services are configured or provided."¹⁸ In contrast to communications companies, AHLA's members typically are not engaged in the business of installing an MLTS, managing an MLTS, *i.e.*, responsible for controlling and overseeing implementation of the MLTS after installation,¹⁹ or operating an MLTS, *i.e.*, responsible for the day-to-day operations of the

¹⁷ Consistent with the general rise in the use of smartphones, the Commission and industry are taking steps to improve mobile 911 location accuracy. *See, e.g., Wireless Industry Announces Development in Improving 9-1-1 Location Accuracy: Leveraging commercial technologies to better enable first responders in locating 9-1-1 callers*, Press Release, CTIA (Sept. 5, 2018), <https://www.ctia.org/news/wireless-industry-announces-development-in-improving-9-1-1-location-accuracy>. AHLA also notes that some hotels are eliminating guestroom phones because of guests' increasing reliance on their own devices. While this is well within hotels' purview to decide, the Commission should consider whether rules that unreasonably burden hotels in the provision of MLTS might push the industry further in that direction.

¹⁸ *NPRM* at ¶ 38.

¹⁹ *Id.* at ¶ 36.

MLTS.²⁰ A hotel is unlikely to exercise control over a MLTS; AHLA members (of any size) generally contract with third-party vendors to acquire equipment, configure the system, complete calls, and provide maintenance and support. Thus, consistent with its finding in the *NPRM* that such entities are not deemed to be engaged in the business of managing or operating MLTS, the Commission should recognize expressly that hotels are unlikely to be “in the business of installing, operating, or managing” a MLTS. Similarly, the Commission should adopt its conclusion in the *NPRM* that dispatchable location rules apply “to the participants in the MLTS marketplace [who] are best positioned to ensure that all installed MLTS are capable of conveying an accurate location to the appropriate PSAP,” *i.e.*, to the same market participants responsible for compliance under Kari’s Law.²¹

IV. THE COMMISSION SHOULD ESTABLISH A UNIFORM COMPLIANCE DATE AND PROVIDE SUFFICIENT TIME FOR BUSINESSES, INCLUDING HOTELS, TO CONTRACT FOR NEW EQUIPMENT AND SERVICES

Any requirements implementing RAY BAUM’S Act should be subject to the same timeline as requirements implementing Kari’s Law, *i.e.*, an effective date of February 16, 2020.²² Different timelines would be confusing and difficult to implement, and therefore would be counterproductive to the goals of Congress in enacting both of these laws. Further, ample time is needed because the contracting process and customized installation can be very time consuming.

In addition to establishing a uniform compliance timeline for implementing rules under both laws, AHLA urges the Commission to establish a waiver or compliance deferral process to

²⁰ *Id.* at ¶ 37.

²¹ *Id.* at ¶ 55.

²² *Id.* at ¶ 87. 47 U.S.C. § 623 note. Section 506 of RAY BAUM’S Act requires the Commission to conclude its dispatchable location proceeding by September 23, 2019.

accommodate barriers to meeting the compliance dates. No rules adopted in this proceeding should apply to any MLTS installed prior to the February 16, 2020 compliance date established by Kari's Law. To the extent that the Commission imposes detailed granular dispatchable location requirements, it should also afford additional time to comply beyond 2020.

V. CONCLUSION

AHLA supports the Commission's work to implement new requirements that will ensure hotel guests can reach 911 and summon emergency services quickly in critical situations. Further, AHLA welcomes the continued opportunity to work with the Commission to ensure hotel guests' safety and preserve hotels' flexibility to provide premiere hospitality service.

Respectfully submitted,

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